

Christian H. Dribusch
Chapter 7 Trustee
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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

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Chapter 7

In re:

Case No. 16-11496

JAIME L. DELPRETE

Debtor.

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CHRISTIAN H. DRIBUSCH, Chapter 7 Trustee to
The Bankruptcy Estate of Jaime L. Delprete

Adversary Proceeding

Plaintiff,

-against-

JAIME L. DELPRETE

Defendant.

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OBJECTION TO DISCHARGE

Christian H. Dribusch objects to the discharge of Jaime L. Delprete. In support of the objection to discharge, it is alleged as follows:

1. Christian H. Dribusch ("*Trustee*") is the chapter 7 trustee in the captioned bankruptcy proceeding.
2. Jaime L. Delprete ("*Debtor*") is the debtor in the captioned bankruptcy proceeding.
3. The deadline to file an objection to discharge is January 4, 2017.

4. The Debtor filed her petition ("*Petition*") for relief under chapter 7 of title 11 of the United States Code ("*Bankruptcy Code*") on August 17, 2016.

5. On Page 6, Part 7 of Debtor's Petition she affirms that she examined her Petition.

6. On Page 6, Part 7 of Debtor's Petition she declares under penalty of perjury that the information provided in the Petition is true and correct.

7. On Page 1, Part 1, Section 1.1 of Debtor's Schedule A/B she states that she is the only party who has an interest in 150 1st Ave, Mechanicville, NY 12118-0000 ("*Residence*").

8. Upon information and belief, the Residence is co-owned with Anthony Delprete.

9. On Page 1, Part 1, Section 2.1, of Debtor's Schedule D she lists Bb&t with a claim of \$151,540.00 secured by the Residence.

10. On Page 1, Part 1, Section 2.1 of Debtor's Schedule D she states that she is the only person who owes the debt to Bb&t.

11. Upon information and belief, James Delprete is also obligated on the debt to Bb&t.

12. On Page 1, Section 1 of Debtor's Schedule H she states that she has no codebtors.

13. Upon information and belief, James Delprete is a co-debtor of one or more debts.

14. On Page 2 of Debtor's Statement of Financial Affairs ("SOFA"), Part 2, Question 5, Debtor says that she has received no other income during the year of filing or the two previous years.

15. Upon information and belief, the Debtor received either alimony, maintenance or support or child support.

16. On Page 3 of Debtor's SOFA, Part 4, Question 9, Debtor says that she was a party to a collection case commenced by Ford Motor Credit Company LLC.

17. Upon information and belief, within 1 year of her bankruptcy filing, the Debtor was a party to a foreclosure proceeding commenced by Bb&t.

18. Upon information and belief, the Debtor was party to a matrimonial proceeding with Anthony Delprete within 1 year of her bankruptcy filing.

19. The Debtor appeared at a meeting of creditors on September 26, 2016.

20. The Trustee swore the Debtor in at her meeting of creditors.

21. The Debtor testified at her meeting of creditors that her Petition was truthful.

22. Upon information and belief, the Debtor's Petition is not truthful.

23. The Debtor testified at her meeting of creditors that her Petition was accurate.

24. Upon information and belief, the Debtor's Petition is not accurate.

25. On October 11, 2015, the Debtor filed an amended Schedule A/B.

26. The Debtor certified that she had read her amended schedules and that they are true and correct.

27. The Debtor's amended schedules reaffirmed that the Debtor is the sole owner of the Residence.

28. Upon information and belief, the Residence is co-owned with Anthony Delprete.

29. The Trustee requested a copy of the recorded deed to the Residence.

30. The Debtor has not provided the recorded deed to the Trustee.

31. The Trustee has requested the most recent document received by the Debtor with the foreclosure caption on it.

32. The Debtor has not provided any documentation on the foreclosure.

33. The Trustee requested the most recent statement of net worth in the Debtor's matrimonial proceeding.

34. The Debtor has not provided the most recent statement of net worth.

Objection to Discharge under Bankruptcy Code 727(a)(4)(A)

35. Trustee restates paragraphs "1" through "34."

36. The Debtor knowingly and fraudulently, in or in connection with the case made a false oath or account in her Petition.

Objection to Discharge under Bankruptcy Code 727(a)(4)(A)

37. Trustee restates paragraphs "1" through "34."

38. The Debtor knowingly and fraudulently, in or in connection with the case made a false oath or account in her amended petition.

Objection to Discharge under Bankruptcy Code 727(a)(4)(A)

39. Trustee restates paragraphs "1" through "34."

40. The Debtor knowingly and fraudulently, in or in connection with the case made a false oath or account at her meeting of creditors.

Objection to Discharge under Bankruptcy Code 727(a)(4)(D)

41. Trustee restates paragraphs "1" through "34."

42. The Debtor knowingly and fraudulently, in or in connection with the case withheld the recorded deed from the Trustee who is entitled under this title to recorded information, documents, records, or papers relating to the Debtor's property or financial affairs.

Objection to Discharge under Bankruptcy Code 727(a)(4)(D)

43. Trustee restates paragraphs "1" through "34."

44. The Debtor knowingly and fraudulently, in or connection with the case withheld her statement of net worth from the Trustee who is entitled under this title to recorded information, documents, records, or papers relating to the Debtor's property or financial affairs.

Objection to Discharge under Bankruptcy Code 727(a)(3)

45. Trustee restates paragraphs "1" through "34."

46. The Debtor has falsified her Petition from which the Debtor's financial condition might be ascertained.

Objection to Discharge under Bankruptcy Code 727(a)(3)

47. The Trustee restates paragraphs "1" through "34."

48. The Debtor has falsified her amended petition from which the Debtor's financial condition might be ascertained.

Objection to Discharge under Bankruptcy Code 727(a)(3)

49. Trustee restates paragraphs "1" through "34."

50. The Debtor failed to keep or preserve her recorded deed from which the Debtor's financial condition might be ascertained.

Objection to Discharge under Bankruptcy Code 727(a)(3)

51. Trustee restates paragraphs "1" through "34."

52. The Debtor failed to keep or preserve her statement of net worth from which the Debtor's financial condition might be ascertained.

WHEREFORE, Jaime L. Delprete's discharge should be denied.

Dated: January 4, 2017

/s/ Christian H. Dribusch

Christian H. Dribusch
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